

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

GILBERT LOUIS MOBLEY,)	
)	
Plaintiff,)	
)	
v.)	Case No. 6:22-cv-03007-MDH
)	
GREENE COUNTY HIGHWAY)	
DEPARTMENT,)	
)	
And)	
)	
EMERY SAPP & SONS)	
)	
Defendants.)	

MOTION TO QUASH SERVICE OF PROCESS

COME NOW third-parties Mark Webb, Rick Artman, and Adam Humphrey, by and through counsel on limited entry of appearance, N. Austin Fax, and hereby moves this Court to quash service of process or attempted service of process in this matter. In support thereof this motion, Webb, Artman, and Humphrey state and aver as follows:

1. On or about January 11, 2022, Plaintiff Gilbert Louis Mobley (“Mobley”) filed his Complaint in the above-styled matter. Mobley named two defendants in his Complaint—Emery Sapp & Sons, and the “Greene County Highway Department.”
2. As has previously been briefed, the “Greene County Highway Department” is not a legal entity which can sue or be sued. It is a department within said Greene County, a class one County within the state of Missouri. Plaintiff cannot sue a department.

3. On or about January 21, 2022, ostensible Defendant “Greene County Highway Department” filed a motion to dismiss Plaintiff’s Complaint on several bases, perhaps most notably that this Court lacked subject matter jurisdiction.
4. Mobley never attempted to serve Emery Sapp & Sons with process.
5. Mobley also filed a request for a temporary restraining order/preliminary injunction against the County.
6. Before the Court had a chance to rule on the Motion to Dismiss, Mobley on several occasions asked the Court for continuances due to health reasons.
7. Following the Court’s grant of a motion to stay, Mobley was ordered to notify the Court once his condition improved.
8. On or about May 27, 2022, Mobley filed a “Motion to Reverse Stay,” requesting leave from the Court to file an amended Complaint.
9. The Court granted Mobley’s Motion. Mobley was ordered to file an Amended Complaint on or before June 10, 2022. He did not do so.
10. Instead of filing an Amended Complaint by June 10, 2022, Mobley filed various other motions with the Court. Mobley was once again ordered to file an Amended Complaint, this time by July 5, 2022. He did not do so.
11. Instead, on July 5, 2022, Mobley filed a “Motion for Immunity,” which had no merit and the Court had no authority to grant. Mobley was, once again, ordered to file an Amended Complaint by July 26, 2022 or the Court determined to rule the motion to dismiss on file regarding the previous Complaint.
12. To date, Mobley has not filed an Amended Complaint.

13. Despite no Amended Complaint being on file, Mobley has caused to be issued (at least) 3 new handwritten summonses directed to individuals Adam Humphrey, Rick Artman, and Mark Webb, all employees of Greene County, attached as "Exhibit 1."
14. Those summonses have either been "served" or attempted to be served by the U.S. Marshals. The purported summonses attach the prior Complaint filed by Mobley.
15. To the extent Mobley is operating under the original Complaint, neither Humphrey, Artman, nor Webb are named as Defendants. No basis exists upon which to serve them with process.
16. Neither Humphrey, Artman, nor Webb have the authority to accept service of process on behalf of Greene County.
17. Moreover, Mobley's summonses purport to name Humphrey, Artman, and Webb as "Defendants." But there is no Amended Complaint on file that has ever named them as Defendants. Mobley cannot serve a summons with a Complaint that he has not filed.
18. It is also entirely unclear what basis Mobley would have to sue these individuals. All three individuals would have immunity for acts in the course and scope of their employment with the County. And all three individuals are Missouri residents, to which it is entirely unclear what subject matter jurisdiction the Court would have over this proceeding.
19. In light of the above, the summonses directed to Humphrey, Artman, and Webb are due to be quashed.

WHEREFORE, Humphrey, Artman, and Webb pray this Court for its Order quashing the summonses issued by Mobley, and for any other and further relief as the Court deems just and proper in the premises.

OFFICE OF GREENE COUNTY COUNSELOR

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served by electronic notice or by United States Mail, First Class postage prepaid, this 13th day of July, 2022, to:

Pro Se Plaintiff
Gilbert Louis Mobley
5110 S. Woodfield Place
Springfield, MO 65810
Via U.S. Mail

/s/ N. Austin Fax

N. Austin Fax